

AMENDMENTS TO THE DRAWINGS

The attached sheet includes changes to Fig. 8. This sheet, which includes Fig. 8, replaces the original sheet including Fig. 8.

The replacement Fig. 8 includes reference numerals 134 through 141, previously identified in the specification but not included on the original drawing sheet.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

The Office Action dated November 9, 2007 (“Office Action”) objected to the drawings and further rejected claims 1-20 as being obvious. In response to these rejections, Applicants (1) have amended the specification to include reference to certain numerals in the original drawing sheets; (2) have attached a replacement sheet for Fig. 8; and (3) traverse the obviousness rejections of claims 1-20.

I. Response to Drawing Objections

The Office Action, at ¶¶ 1-3, objected to the drawings due to inclusion of certain numerals in those drawings that the specification did not separately reference. In response to these objections, applicants have amended the specification to include an explicit citation to these numerals in the text.

In particular, applicants amended paragraph 51 of the specification to include a citation to reference numeral 58 in Figure 5. In addition, applicants amended paragraph 54 of the specification to include a citation to reference numerals 90a, 90b, and 90c in Figures 7A-7C. In the original version, the specification collectively referred to a “window” with a generic identifier 90 to all three figures. In addition, paragraph 54, as amended in reference to Figures 7A-7C, now includes a reference to URL 91, a “Show Summary SAS Log” 94, and a recap 95. These amendments to the specification do not constitute prohibited “new matter” because the original drawings contained sufficient written description to support the amended specification. *Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555 (Fed. Cir. 1991).

Applicants further have attached a replacement sheet for Figure 8. This replacement sheet now includes reference numerals 135-141. This replacement sheet further relocated reference numeral 134 to more closely track the specification. The replacement of Figure 8 also does not constitute new matter inasmuch as the original specification included all of the relevant subject matter.

Finally, the Office Action (at ¶ 1) objected to the specification as not referencing number 85 in Figure 6 and number 112 in Figure 7A. Applicants note, however, that the original specification paragraph 53 does include reference to a “product” 85 (Figure 6) and original specification paragraph 54 includes a reference to flag 112 (Figure 7A). Therefore, applicants respectfully traverse these drawing objections.

2. Response to the Claim Rejections under 35 U.S.C. § 103

The Office Action rejected all pending claims as being obvious under 35 U.S.C. § 103. Currently, only claims 1 and 19 are presented in independent form.

As best understood by the applicants, the Office Action rejects claims 1-9 and 11-18 as being obvious in view of a combination of Trusheim et al. (U.S. Patent No. 6,385,589), Minturn (U.S. Patent No. 5,692,501), and Goetzke et al. (U.S. Publication No. 2002/012866A1). The Office Action further rejected claim 10 as being obvious in view of those same three references in yet further combination with a fourth reference, Chao (U.S. Publication 2006/0178915A1). Finally, the Office Action rejected claims 19 and 20 as being obvious in view of Trusheim and Goetzke alone. Applicants respectfully traverse the Office Action's rejections of the pending claims.

Claims 2 through 18 depend from Claim 1, reproduced below:

1. A method for administering reductions in health care costs for those participants in a health insurance plan for whom future health care costs may be reduced through intervention (“intervention candidates”) comprising:
 - determining a first score for an intervention candidate, which first score reflects the predicted utilization of future health care services;
 - determining a second score for the intervention candidate, which second score depends on the intervention candidate’s prior consumption of a plurality of predetermined health care services;
 - comparing the first score against a first threshold value and the second score against a second threshold value and generating a result of such comparison;
 - providing to select individuals access to the health care history of the intervention candidate and the result of the comparison; and
 - intervening in the health care regimen of the intervention candidate depending on the result of the comparison.

The Office Action concedes that the primary reference, Tusheim, does not describe the claimed subject matter of “determining a first score for an intervention candidate, which first score reflects the predicted utilization of future health.” For this element, the Office Action cited Minturn, particularly column 12, lines 33 through 35.

Minturn, however, does not actually describe the step of “determining a first score for an intervention candidate, which first score reflects the predicted utilization of future health.” Rather, the cited portion of this reference merely states that a proposed embodiment purportedly “dramatically improves the ability to predict an individual’s future health, medical utilization and resulting benefit from any health improvement program.” (Minturn, column 12, lines 33-35.) This statement in the Minturn reference does not teach a first score reflecting the predicted utilization of future health. Indeed, it does not reference a “score” at all.

Minturn is the only reference cited by the Office Action to establish a *prima facie* case of obviousness in connection with the step of “determining a first score for an intervention candidate, which first score reflects the predicted utilization of future health.” Because this reference does not actually describe this step, applicants respectfully request the withdrawal of the obviousness rejection of independent claim 1 and dependent claims 2-18.

In addition, the Office Action conceded that a combination of the primary reference Tusheim with the secondary reference Minturn further does not describe the claimed subject matter of “comparing the first score against a first threshold value and the second score against a second threshold value and generating a result of such comparison.” For this claimed step, the Office Action relied on Goetzke, particularly paragraphs 56-57 (reproduced below):

[0056] The categorization preferences are calculated against each potential chronic pain patient's mathematical expression to identify relationships between the categorization preferences and each potential chronic pain patient's mathematical expression. Calculation of categorization preference can range from simple search and find algorithms to complex statistical models such a modified chronic pain model.

[0057] The software assigns an alphanumeric score for each patient identified under the rules of the inference engine. The number score, based upon a 0-100% rating, relates to the level of predictive confidence that an appropriate candidate has been

identified. Patients with a confidence rating of $\geq 85\%$ will be considered as potential chronic pain patients, and their names will be passed along to a primary care physician for an initial determination of program inclusion or exclusion. Patients with a lower than 35% rating will be excluded from further consideration. Patients with a score in the range of 35%-85% will be held in the system for up to one year, and the receipt of new information could alter their score upward or downward—triggering program inclusion or exclusion.

As with Minturn, the cited portion of the Goetzke reference does not actually describe the claimed feature. At best, this citation to Goetzke indicates a single “alphanumeric score” generated under the rules of an “inference engine.” It does not describe the comparison of a first score against a first threshold value and a second score against a second threshold value. Nor is there any description in this portion of generating a result of such comparison.

Goetzke is the only reference cited by the Office Action to establish a *prima facie* case of obviousness in connection with the step of “comparing the first score against a first threshold value and the second score against a second threshold value and generating a result of such comparison.” Because this reference does not actually describe this step, applicants respectfully request withdrawal of the obviousness rejections of independent claim 1 and dependent claims 2-18.

Applicants further respectfully traverse the obviousness rejection of the second independent claim, i.e., claim 19, reproduced below:

19. A method for administering reductions in health care costs comprising:
 - storing in at least one database health information relating to a plurality of health insurance plan participants;
 - identifying from stored health information candidates for whom health care costs may be reduced through intervention (“intervention candidates”);
 - generating a plurality of flags for each intervention candidate, wherein each flag has a status that represents a health condition of an intervention candidate;

storing the health information and flags for each intervention participant in an separate database; and permitting select individuals to retrieve and display via a graphical user interface each intervention candidate's health information and flags as stored in the separate database.

The Office Action conceded that Trusheim does not describe the claimed step of "identifying from stored health information candidates for whom health care costs may be reduced through intervention ('intervention candidates')." For this, the Office Action relied exclusively on Goetzke.

The Goetzke reference, although including discussion of "interventions," does not teach generating a "plurality of flags" for intervention candidates. Nor does the primary reference, Trushiem, describe generating or storing such flags. Applicants therefore respectfully request the withdrawal of the obviousness rejection of independent claim 19 and dependent claim 20.

Applicants have presented above certain reasons detailing why the claimed subject matter is not obvious in view of a hypothetical combination of Trusheim, Minturn, and Goetzke. By presenting these arguments, applicants have not waived other possible arguments. Nor have applicants conceded that this hypothetical combination (or any other hypothetical combination including these three references and/or Chao) is appropriate.

For all of the foregoing reasons, applicants respectfully submit that the cited amalgamation of prior art does not render the claimed invention obvious under 35 U.S.C. § 103.

CONCLUSION

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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